
SENATORIAL CAMPAIGN EXPENDITURES

FEBRUARY 22, 1929.—Ordered to be printed

Mr. REED, from the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, submitted the following

REPORT

[Pursuant to S. Res. 195, 227, 258, and 324, of the Sixty-ninth Congress, and also S. Res. 2 and 10 of the Seventieth Congress, first session]

THE CLAIM OF WILLIAM S. VARE TO A SEAT IN THE UNITED STATES SENATE

On December 9, 1927, the Senate agreed to the following resolution (S. Res. 2, 70th Cong., 1st sess.):

RESOLUTION

Whereas on the 17th day of May, 1926, the Senate passed a resolution creating a special committee to investigate and determine the improper use of money to promote the nomination or election of persons to the United States Senate, and the employment of certain other corrupt and unlawful means to secure such nomination or election; and

Whereas said committee, in the discharge of its duties, notified William S. Vare, of Pennsylvania, then a candidate for the United States Senate from that State, of its proceeding, and the said William S. Vare appeared in person and by attorney before said committee while it was engaged in making such investigation; and

Whereas the said committee has reported the evidence which without substantial dispute shows that at the primary election at which the said William S. Vare is alleged to have been nominated as a candidate for the United States Senate, there were numerous and various instances of fraud and corruption in behalf of the candidacy of the said William S. Vare, and that there was spent in behalf of the said William S. Vare in said primary election, by the said William S. Vare and his friends, a sum of money exceeding \$785,000; and

Whereas the said William S. Vare has in no manner controverted the truth of the foregoing facts, although full and complete opportunity was given him, not only to present evidence but arguments in his behalf; and

Whereas the said official report of said committee and the sworn evidence taken by said committee is now and for many months has been on file in the Senate, and all of the said facts appear without substantial dispute; and

Whereas on the 10th day of January, 1927, there was filed in the Senate an official communication from the then Governor of Pennsylvania, made and delivered to the Senate in pursuance of law, the following certificate:

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE,
Harrisburg, January 8, 1927.

The PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington, D. C.

SIR: I have the honor to transmit herewith the returns of the election of United States Senator, held on November 2, 1926, as the law of this Commonwealth directs.

I have the honor also to inform you that I have to-day signed and by registered mail delivered to Honorable William S. Vare a certificate which is as follows:

"To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

"This is to certify that on the face of the returns filed, in the office of the secretary of the Commonwealth of the election held on the 2d day of November, 1926, William S. Vare appears to have been chosen by the qualified electors of the State of Pennsylvania a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1927."

The form of words customarily used for such certificates by the governors of this Commonwealth and the form recommended by the Senate of the United States both include certification that the candidate in question has been "duly chosen by the qualified electors" of the Commonwealth.

I can not so certify, because I do not believe that Mr. Vare has been duly chosen. On the contrary, I am convinced, and have repeatedly declared, that his nomination was partly bought and partly stolen, and that frauds committed in his interest have tainted both the primary and the general election. But even if there had been no fraud in the election, a man who was not honestly nominated can not be honestly entitled to a seat.

The stealing of votes for Mr. Vare, and the amount and the sources of the money spent in his behalf, make it clear to me that the election returns do not in fact correctly represent the will of the sovereign voters of Pennsylvania.

Therefore, I have so worded the certificate required by law that I can sign it without distorting the truth.

I have the honor to be, sir,

Very respectfully yours,

GIFFORD PINCHOT, *Governor.*

Now, therefore be it

Resolved, That the expenditure of such a large sum of money to secure the nomination of the said William S. Vare as a candidate for the United States Senate prima facie is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free government, and, together with the charges of corruption and fraud made in the report of said committee, and substantiated by the evidence taken by said committee, and the charges of corruption and fraud officially made by the Governor of Pennsylvania, prima facie taints with fraud and corruption the credentials of the said William S. Vare for a seat in the United States Senate; and be it further

Resolved, That the claim of the said William S. Vare to a seat in the United States Senate is hereby referred to the said special committee of the Senate, with instructions to grant such further hearing to the said William S. Vare and to take such further evidence on its own motion as shall be proper in the premises, and to report to the Senate within sixty days if practicable; and that until the coming in of the report of said committee and until the final action of the Senate thereon the said William S. Vare be, and he is hereby, denied a seat in the United States Senate: *Provided*, That the said William S. Vare shall be accorded the privileges of the floor of the Senate for the purpose of being heard touching his right to receive the oath of office and to membership in the Senate.

In pursuance of said resolution your committee met to consider the steps to be taken. It decided that, having held extensive hearings and reported fully its findings to the Senate concerning the primary election held in Pennsylvania in 1926 (Rept. 1197, pt. 2, 69th Cong.), a further investigation into the primary was unne-

essary. For the convenience of the Senate said report is hereto appended in condensed form and referred to as Annex A. However, the general election remained for investigation and in connection with the scope of that investigation certain circumstances should be recalled in order that the method of procedure forced upon the committee because of these circumstances, may be understood.

During the previous Congress, on the 11th day of January, 1927, the Senate had agreed to the following resolution:

[S. Res. 324, Sixty-ninth Congress, second session]

Whereas William B. Wilson, of the State of Pennsylvania, has presented his petition to the Senate of the United States contesting the election of William S. Vare as a Senator from Pennsylvania in the election held on the 2d day of November, 1926; and

Whereas the said William B. Wilson charges in his petition fraudulent and unlawful practices in connection with the nomination and in connection with the alleged election of the said Vare as Senator from the State of Pennsylvania, and that unless preserved for the use of the Senate certain evidence relating to said charges and said election will be lost or destroyed; and

Whereas the special committee of five organized under Senate Resolution Numbered 195, Sixty-ninth Congress, first session, by direction of the Senate has entered upon an investigation pertaining to alleged corrupt practices in the election held November 2, 1926, and in the primary preceding it in the State of Pennsylvania: Therefore be it

Resolved, That the special committee of five constituted under Senate Resolution Numbered 195, Sixty-ninth Congress, first session, in addition to and not in detracton from the powers conferred in said resolution, be, and it is hereby, authorized and empowered:

(1) To take possession, in the presence of the said William S. Vare or his representative if the said William S. Vare desires to be present or to have a representative present, and preserve all ballot boxes and other containers of ballots, ballots, return sheets, voters' check lists, tally sheets, registration lists, and other records, books, and documents used in said senatorial election held in the State of Pennsylvania on the 2d day of November, 1926.

(2) To take and preserve all evidence as to the various matters alleged in said petition, including any alleged fraud, irregularity, unlawful expenditure of money, and intimidation of voters or other acts or facts affecting the result of said election.

(3) That said committee is hereby vested with all powers of procedure with respect to the subject matter of this resolution that said committee possesses under Resolution Numbered 195, Sixty-ninth Congress, first session, with respect to the subject matter of that resolution.

(4) That the Sergeant at Arms of the Senate and his deputies are directed to attend the said special committee and to execute its directions. That the said special committee may appoint subcommittees of one or more members with power and authority to act for the full committee in taking possession of evidence and in the subpoenaing of witnesses and taking testimony.

Resolved further, That the expenses incurred in carrying out this resolution shall be paid from the contingent fund of the Senate upon vouchers ordered by the committee or any subcommittee thereof and approved by the chairman of the committee, the cost of same not to exceed \$15,000 in addition to the moneys heretofore authorized to be expended.

Your committee thereupon promptly caused to be collected and brought to Washington the ballots, lists, registers, records, and paraphernalia of the 1926 Pennsylvania general election for the counties of Philadelphia and Allegheny, through the agency of the Sergeant at Arms of the Senate. The work of transporting these bulky records necessarily consumed time and, as the Sixty-ninth Congress was about to expire, it became evident that the records of the other counties of the State could not be brought to Washington before March 4, 1927.

There were rumors that in its effort to obtain court orders for the surrender of ballots and records in some counties, the committee would experience delay or embarrassment during the interim between the close of the Sixty-ninth Congress and the convening of the Seventieth Congress.

Although no doubt existed in the minds of the members of the committee that they had full power to act during such interim, the committee decided that it would be prudent to obtain from the Senate a declaratory resolution that would prevent any challenge of the committee's authority and accordingly caused to be introduced by the chairman the following resolution, as finally modified:

[S. Res. No. 364, Sixty-ninth Congress, second session]

Resolved, That Senate Resolutions Numbered 195, 227, and 258 of the Sixty-ninth Congress, first session, and Senate Resolution Numbered 324 of the Sixty-ninth Congress, second session, be, and they hereby are, continued in force during the interim between the Sixty-ninth Congress and the Seventieth Congress and thereafter until the 30th day of December, 1927.

That the special committee created pursuant to Senate Resolution Numbered 195 of the Sixty-ninth Congress, first session, is authorized in its discretion, and/or at the request of either William S. Vare or William B. Wilson, to open any or all ballot boxes and examine and tabulate any or all ballots and scrutinize all books, papers, and documents which are now in its possession, or any that shall come into its possession, concerning the general election held in the State of Pennsylvania on the 2d day of November, 1926.

On February 24, 1927, when the resolution was called up for consideration under the rules, it was apparent that a filibuster had been organized to delay and prevent action by the Senate. This filibuster succeeded in its purpose and the said declaratory resolution was not acted upon by the Senate.

The next hindrances encountered by the committee were the denial of the use of its funds by the Committee to Audit and Control the Contingent Expenses of the Senate and the refusal of the Sergeant at Arms to carry out proper orders. The Senate was no longer in session and the committee had to proceed as best it could.

Accordingly, a special agent was appointed and instructed to go to Pennsylvania and apply for the election records of the various counties. In the first county applied to, the committee's authority was resisted as had been expected.

Thereupon the committee applied to the only remaining agency, the Federal courts, to enforce its authority. The suit which resulted was not brought to final adjudication until the next year when, as will be seen later in this report, practically all of the election records sought were in the custody of the Senate. Nothing more could be done by the committee as such. However, the necessity of obtaining the official election records was so great that the chairman of the committee decided to appeal to the parites to the contest, Messrs. Vare and Wilson, and to the members of the Senate Committee on Privileges and Elections, as well as to his own committee, to meet and work out a method whereby the ballots and election records of the various counties might be impounded and held until the next session of the Senate.

Accordingly, on the 7th day of September, 1927, there met at the Congress Hotel at Chicago, Ill., James A. Reed and Robert M. La Follette, acting for the said special committee; Charles S. Deneen, M. M. Neely, Walter F. George, and T. H. Caraway, representing the

Committee on Privileges and Elections; Francis Shunk Brown, counsel for and representative of William S. Vare, contestant, and William B. Wilson, contestant, appearing in person and by Charles A. Douglas, David Wallerstein, and Rowland B. Mahany, counsel.

A stipulation was agreed upon by the contestants and approved by the representatives of the two committees present, whereby application might be made to the appropriate United States district courts in Pennsylvania to collect and impound the election records of the several counties. These applications were later made and the boxes held in the custody of the district courts until the convening of the Congress.

Shortly after the convening of the Congress, the Senate agreed to the Norris resolution, Senate Resolution No. 2, as above stated, and, a few days later, on December 17, 1927, also agreed to a resolution offered by Senator Deneen, which referred the election contest proper brought by the said William B. Wilson against the said William S. Vare, to the Committee on Privileges and Elections.

The Norris resolution declares "that the expenditure of such a large sum of money to secure the nomination of the said William S. Vare, * * * prima facie, is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free government, and, together with the charges of corruption and fraud made in the report of said committee and substantiated by the evidence taken by said committee, and the charges of corruption and fraud officially made by the Governor of Pennsylvania, prima facie, taint with fraud and corruption the credentials of the said William S. Vare for a seat in the United States Senate."

By referring the claim of the said William S. Vare to your committee and directing it to grant "such further hearing to the said William S. Vare and to take such further evidence on its own motion as shall be proper in the premises," the Senate instructed this committee to determine whether, in the face of a *prima facie* case against him, the said William S. Vare should be entitled to a seat in the United States Senate. This question is in no way related to the contest brought by the said William B. Wilson.

As a result of subsequent proceedings of the committee, of which the said William S. Vare had full notice, and of agreements to which he was a party, the election records were finally delivered to the committee on or about the 20th day of February, 1928.

The committee then determined that, on account of the great lapse of time, it would necessarily be obliged to confine its investigation to the records of the election. Both the said William S. Vare and the said William B. Wilson were duly notified that the committee intended to appoint examiners to conduct said investigation, and both the said Vare and the said Wilson were authorized to and did appoint agents to represent them during the examination of the said election records.

The committee appointed A. R. Clapp, Esq., an attorney of Philadelphia, Pa., as counsel for and representative of the committee, to conduct the said investigation into the conduct of the 1926 election, as shown by the records thereof. His report to the committee of the findings and conclusions of that investigation is hereto appended and referred to as Annex B, and to it the serious consideration of the Senate is respectfully requested.

Mr. Clapp and the staff selected by the committee for the investigation were all sworn before undertaking the investigation. At the time of the examination, Mr. Vare had the fullest opportunity to be represented by his agents and attorneys and to observe all of the papers and records examined by the representatives of the committee. No limitation beyond that of reason was placed upon the number of representatives for the said William S. Vare, who availed himself of this opportunity and appointed such representatives as he desired to be present during the said investigation.

When this work was concluded, the committee proceeded to take the evidence of Mr. Charles Edwin Fox, who had been an assistant district attorney for 15 years prior to May, 1925, a special prosecutor of election cases from September, 1925, to January, 1926, and district attorney for Philadelphia from January, 1926, to January, 1928. He was summoned by the committee in order to inquire into the question of responsibility for the irregular and illegal practices in Philadelphia apparent upon the face of the election records.

Notice was given to the said William S. Vare that Mr. Fox would be heard on May 8, 1928. The said William S. Vare was present in person and was represented by counsel, and was accorded the privilege of cross-examining the witness.

Mr. Fox testified in detail concerning the election frauds which were committed in connection with the election in question and for which prosecutions were brought. The activities of the so-called Vare organization in Philadelphia in connection with election frauds were made very clear by the testimony of this witness. He testified that in practically every case prosecuted by his office and involving the commission of election or registration offenses he was interviewed by the leader of the ward in which the offense was committed, often even before counsel had been secured. (Transcript of testimony, p. 32.) With respect to these conferences he testified as follows:

The CHAIRMAN. Can it be stated in a general way that when these judges of the people were arrested and charged with these crimes against the election laws the organization, as it is called, or the members of the organization, always interested themselves on behalf of the defendants?

Mr. Fox. Undoubtedly. I think that might be carried a step further by saying that in the very preliminary hearings before the magistrate, the organization came to lend their so-called moral influence by standing back of the men, when they were heard, and I think in some cases either went on their bail or arranged the bail.

* * * * *

Mr. CLAPP. * * * With respect to the visits of these ward leaders to you, did they appear to have any particular influence with the defendants or control over the defendants' actions?

Mr. Fox. Entirely so. I gained the impression that they came to decide the defendants' fate so far as they were concerned. If they concluded that the men whom I was going to prosecute were the ones that they were willing to have plead guilty, they left telling me that pleas of guilty would be entered by them.

Mr. CLAPP. And was their decision carried out? •

Mr. Fox. Entirely so.

Mr. CLAPP. Did they ever manifest any financial interest in the defendants?

Mr. Fox. I do not follow you in that.

Mr. CLAPP. In the support of their families or anything of that sort—according to what they said?

Mr. Fox. They told me on a number of occasions just by way of conversation that the sending of this or that defendant to prison meant the placing of the responsibility upon them to finance their families during their incarceration.

Mr. CLAPP. In other words, these ward leaders said that they would help to support the families of the election crooks if the election crooks went to jail?

Mr. Fox. They told me that after they had gone to jail. (Transcript of testimony, pp. 35 and 36.)

One of the most notable instances of the condonation of an election offense by a ward leader was the case cited by Mr. Fox in which a division leader was fined for forcibly taking a registry book from the registrar for the purpose of an illegal registration. In this case a circular letter was sent through the ward, stating that it had the approval of the ward leader, and calling for contributions to help the defendant pay his fine. (Transcript of testimony, p. 22.)

The division leader involved in this case was not the only official of the Republican organization who actively participated in registration or election offenses. Five other cases were mentioned by Mr. Fox, in each of which the active perpetrator of the fraud in question was the official representative of the Republican organization, and in each of these cases this representative received a substantial jail sentence. Each of these cases arose out of the 1925 election.

The connection of the ward leaders both with the organization division leaders below them and with the headquarters of the organization was well evidenced by an incident which occurred in the November election of 1925. Then, Mr. Fox testified, he was informed by a number of the ward leaders that on the afternoon of the election they had been summoned to headquarters, given sacks, which they were told contained stickers bearing the name of a particular candidate, and instructed that after a certain hour, unless they got word to the contrary, they were to begin to put the stickers on the ballots. The witness further testified that this would be against the law of Pennsylvania, and would amount to marking the ballots for the voters. (Transcript of testimony, pp. 46 and 47.) More convincing evidence of the complete control exerted by the headquarters of the Republican organization over every act of the division workers could not be adduced; for this amounted to affording them the opportunity to alter the official ballots before they were handed to the voters.

The witness was asked why frauds were resorted to when there was so much unanimity, and whether it was a matter of habit, and the witness testified as follows:

Mr. Fox. I think largely a habit, and also a very selfish reason, that the division leader or the lieutenant, whoever he may be, wants to see a fine return, over and against his going to the ward leader or even a higher boss and demanding some better city position.

The CHAIRMAN. He wants to demonstrate his usefulness and capacity.

Mr. Fox. Yes, and to show how indispensable he is over and against the time when the contest is closer.

The CHAIRMAN. Is that situation pretty general over there?

Mr. Fox. I should say so.

The CHAIRMAN. And has been for a number of years?

Mr. Fox. Yes.

* * * * *

The CHAIRMAN. And as a result of all that experience you say that these conditions that you have been describing have been general in the city of Philadelphia for many years?

Mr. Fox. I think so.

The CHAIRMAN. And have been generally conducted by the same organization, although the members of that organization may have changed in part from time to time?

Mr. Fox. Yes. (Transcript of testimony, pp. 43, 44, and 45.)

In this connection the witness was further asked whether it was his opinion that the registration and election frauds which were committed from time to time while he was in office were isolated and unconnected or whether he had a definite opinion in regard to their relation, one to the other. He replied as follows:

Mr. Fox. I do not see how they can be considered as isolated. It seems to me that there is a similarity of method and identity of object that smacks as part and parcel of this same general system. I do not mean to even infer or insinuate that what happens in some divisions of the twenty-fourth ward is directed from sources all the way at the top, but I can recall a case in the very lowest section of the city, the very southwestern corner of the city, having much resemblance to a case in the geographically opposite end of the city, with the same methods pursued, the same objective aimed at, that I can not believe, looking at it dispassionately at this time, that they are isolated cases. I feel it is all part and parcel of the same system, yes, but I am bound to say that that is merely an observation, and it is not fortified by any provable facts that I would offer in the trial of a case. That is a conclusion of mine, a general conclusion. (Transcript of testimony, pp. 53, 54.)

The witness testified concerning other respects in which the organization interested itself in election frauds. He related several instances of pressure exerted by the organization on complainants and witnesses in cases of this sort, and went into some detail regarding methods used by the organization to obstruct investigation of the alleged fraudulent conditions by detectives under his supervision. (Transcript of testimony, pp. 47-49, 51.)

The obstructive efforts of the Vare organization have extended to the prevention of changes in the election laws under which it commits its frauds. (See partial report of this committee, 69th Cong., 2d sess., Rept. 1197, pt. 2, ordered to be printed December 22, 1926, pp. 3 and 4.)

The Republican city committee is the central governing body of the organization, and either the ward leaders themselves or their lieutenants comprise the membership of that committee.

Upon being asked who was the city leader—the man, if any, from whom the ward leaders admitted repeatedly that they took orders, the man who framed tickets at primaries, and the head and directing genius of the organization—Mr. Fox testified that Mr. Vare was recognized as occupying that position. (Transcript of testimony, pp. 56-58.)

The testimony of Mr. Fox with regard to the control exerted by Mr. Vare over the Republican organization in Philadelphia was fully corroborated by Mr. Vare himself, testifying before the committee in June of 1926, as follows:

The CHAIRMAN. You had an organization which functioned very well and that had been in existence for a long time. Now, were there some of the men connected with that organization who supported Pepper?

Mr. VARE. The members of the city committee of Philadelphia, acting as individuals, all supported me.

The CHAIRMAN. That is the city committee?

Mr. VARE. Yes.

The CHAIRMAN. That is composed of one man from each ward committee?

Mr. VARE. Yes.

The CHAIRMAN. He is the ward leader?

Mr. VARE. He is elected by the division committeemen. Two to each division are elected every second year.

* * * * *

The CHAIRMAN. Were there any of these district leaders who split off from you and went for Pepper?

Mr. VARE. Not who were connected with, as I regard it, the regular Republican organization.

* * * * *

The CHAIRMAN. There was in fact quite a defection among ward committee men, was there not?

Mr. VARE. I would say not.

The CHAIRMAN. You might be mistaken about that?

Mr. VARE. Well, I would have been very likely to hear it, and I did not hear it. (Transcript of testimony, pp. 516, 517.)

Mr. Mackey, Mr. Vare's campaign manager in the primary of 1926, also testified before the committee in June of 1926. With regard to the control of Mr. Vare over the organization, he testified as follows:

Senator KING. Just let me ask another question about Philadelphia. Do I understand that Mr. Vare had the political machinery—the Republican political machinery—of Philadelphia County with him?

Mr. MACKEY. There is no doubt about it.

* * * * *

The CHAIRMAN. Then it is a fact that the entire organization of the city committee, which included the precinct workers, were, in a body, supporting Mr. Vare, as you stated in this letter?

Mr. MACKEY. I think that letter says so. That is my opinion.

The CHAIRMAN. And whether you say they were acting officially as members of the county committee or not, you addressed them, or referred to them, as the ward leaders. You mean the ward leader of the committee?

Mr. MACKEY. Yes, sir.

The CHAIRMAN. Or referred to them as the district leaders, meaning the district leader of the precinct or division; and in each instance they were the district leaders of the regular Republican organization, and were ward leaders of the regular Republican organization. That is true, is it not?

Mr. MACKEY. Undoubtedly, sir.

* * * * *

Senator KING. Did you ever know of another case there where in a contest in the party one of the candidates managed to take over the entire organization and utilize it for his own support, or have it utilized for his candidacy?

Mr. MACKEY. I do not think so. It only represents what they thought of Congressman Vare, that is all. I do not think any other man would have been able to command that united support. (Pp. 582-584.)

Further light on the efficiency of the Republican organization in controlling Philadelphia politics is shed by the testimony of Mr. Mackey, also in June, 1926, as follows:

The CHAIRMAN. You said yesterday there were some 20 wards where it was not necessary to spend money, I believe.

Mr. MACKEY. Yes, sir. That usually has been our experience in Philadelphia.

The CHAIRMAN. What are those wards by number?

Mr. MACKEY. I said the first 20.

* * * * *

Senator KING. You said also that they would simply go to the ward chairman and vote as he told them.

Mr. MACKEY. And they voted almost unanimously Republican in those first 20 wards. (P. 604.)

Among other illustrations of situations of this sort, Mr. Mackey cited the case of the thirteenth ward, which, he said, "had never failed to make similar returns for 20 years," although some of the voters had died, some had moved away, and some had moved in in that time. (Transcript of testimony, 612, 613.)

In addition to the testimony of Mr. Fox above referred to, he also testified in response to the questions of the chairman as follows:

Mr. Fox. I do not believe that the headquarters ever has furnished or does furnish lawyers for—I am talking, now, of professional criminals. I do believe that in certain wards professional criminals, either through their bondsmen or

their colleagues in the criminal fraternity, or through other sources or channels, go directly to the powerful political leaders in those wards to arrange for their bail, to arrange for as favorable disposition of their cases as is possible before the committing magistrate, or to furnish them lawyers to represent them. I think there is no doubt that some ward leaders or some powerful political factors in various wards are very closely in touch with the arrest and subsequent proceedings connected with many well-known criminals.

* * * * *

When the small fry politically get into trouble, they simply rest their fate entirely with their division or their ward leader in almost every case.

The CHAIRMAN. And he looks after them?

Mr. Fox. Yes.

The CHAIRMAN. Are we to understand, then, that there is a system over there by which there is a political organization that undertakes to look after their members when they get into criminal trouble?

Mr. Fox. I think, generally speaking, that is a correct statement. * * *
(Transcript of testimony, pp. 59 and 60.)

This testimony is again corroborated by that of Mr. Vare's campaign manager and the present mayor of Philadelphia at one of the hearings in June of 1926, as follows:

The CHAIRMAN. And they look after them when they are in all sorts of trouble; when they are sick?

Mr. MACKEY. Yes.

The CHAIRMAN. When they are in jail?

Mr. MACKEY. Yes, sir; that is when a man needs a friend.

* * * * *

The CHAIRMAN. But I am talking now about the organization which elects judges, which elects your jury commissioners, or whatever name they bear in your State, which elects or selects, directly or indirectly, the officers and balliffs of the court, existing for the purpose, in part, of going to the defense of all people accused of crime, regardless of their politics, and doing this for the purpose of building up and maintaining the solidarity of the political machine. That is what we are talking about. That is what you do over there, is it not?

Mr. MACKEY. If a citizen is in trouble—no serious crime, but if a citizen is in trouble—we try to help him.

* * * * *

The CHAIRMAN. Yes; but do you not go down and get them out before they get to court?

Mr. MACKEY. Oh, we furnish bail oftentimes; yes, sir. (Transcript of testimony, pp. 620-623.)

For more than two generations, this organization which William S. Vare now controls has dominated the politics of Philadelphia and exercised a powerful influence on the affairs of the Commonwealth of Pennsylvania.

At the conclusion of the testimony, on May 8, 1928, the chairman made the following announcement:

The CHAIRMAN. * * * That ends this particular hearing. I do not know whether the committee will take any other testimony or not. We may, after consideration. I have not talked with the committee. That ends this particular hearing, unless Mr. Vare or Mr. Wilson has something he desires to present.

Mr. VARE. No, sir; nothing.

In spite of this statement, but with a desire to accord the said William S. Vare every opportunity to present his case, the committee, after consultation, notified him, on May 16, 1928, as follows:

The special committee appointed pursuant to Senate Resolution 195 will be prepared at 10 o'clock, Saturday morning, May 19, 1928, to consider any matter you may desire to submit it.

Will you please advise us at the earliest possible moment whether you will desire to appear or be represented before the committee?

When the committee met on May 19, the following letter from the said William S. Vare was handed to the committee by Francis S. Brown, his attorney, who appeared in his behalf:

I am unable to come to Washington to-morrow. My Philadelphia doctor advised me to come to Atlantic City, and I was compelled to have Atlantic City doctor attended me to-day. I welcome this the first opportunity I have had to appear before the Reed committee to explain my primary campaign. I regret this attack of acute indigestion prevents my attendance. I am hopeful that the committee will withhold judgment and fix a date after I have recovered from illness that I might appear before the committee and give full and complete information.

The said Francis S. Brown, at the same time, among other things, said:

I do not know what testimony would be required here in this investigation. As I understand, a statement has been submitted to you—to this committee—covering the expenditures and how the money was expended, and all that. I do not know what else he can add to it.

Counsel further stated he had only been consulted very recently regarding the controversy in question.

Thereupon the chairman of the committee ruled as follows:

The committee recognizes the fact that Mr. Vare is ill and unable to be here, and that we ought to grant any reasonable indulgence, but we desire to close this matter up. I will ask you to communicate with Mr. Vare and find the earliest time that he can be here, and advise me, as chairman of the committee, just as soon as you can; and the committee will stand in recess subject to the call of the chairman. We will give you notice in advance of a meeting.

The committee expected the said William S. Vare to notify it as soon as his health would permit him to appear and stood ready, either as a committee or as a subcommittee, to hear whatever he desired to present either in person or by counsel.

The committee received no communication whatever from the said William S. Vare until November 29, 1928, when the chairman received the following letter:

ATLANTIC CITY, N. J., *November 28, 1928.*

HON. JAMES A. REED,

*Chairman Special Committee on Campaign Expenditures,
United States Senate, Washington, D. C.*

DEAR SENATOR REED: Shortly before the adjournment of Congress you will recall I was stricken by sickness, and your committee graciously excused my appearance before you at that time. After partial recovery, but against the advice of my physician, I went to Kansas City convention, as I had been elected a delegate, and I am now paying the price. The trip, instead of helping me, as I had hoped, injuriously affected my health until, on August 1, I suffered a stroke, paralyzing my left side, leg, and arm.

Of course, I do not need to go into details as to the result of a stroke. Suffice it to say that I am now slowly recovering, but I am still confined to my summer home at Atlantic City. My physicians advise me that I must have absolute rest and quiet if I am to make further progress toward recovery. In fact, they have warned me that any undue exertion at this time, physical or mental, might be attended with disastrous results.

I had hoped, upon the reassembling of Congress, to be able to comply with any request of your committee to appear before you, but that is, in my present condition, physically impossible.

I am grateful for your consideration and, with assurance of my regards, I remain,

Very truly yours,

WM. S. VARE.

On December 11, 1928, the following letter was received from the said William S. Vare's physicians:

DECEMBER 10, 1928.

Hon. JAMES A. REED,

*Chairman Special Committee on Campaign Expenditures,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: While you have had some short communications and telegrams from us, as Senator Vare's physicians, we have thought it advisable and only fair to you, and the committee of which you are chairman, that you should receive some further and more detailed medical information as to Mr. Vare's sickness—not only of the past, but his present condition, and possible future outlook for him.

He called to see me at the office on or about May 11, 1928, complaining of considerable mental depression, cardiac discomfort, with associated shortness of breath and digestive symptoms. At this particular time he had extreme tenderness over his left kidney, with some frequency and urgency of urination. His blood pressure was somewhat above normal for his age. Because his improvement was not as rapid as I deemed it should be, a further examination then revealed a rather low blood pressure for his age, with symptoms of a general let down.

There was some associated weakness and cardiac discomfort from palpitation. Because of the fear of a softened heart muscle (myocarditis), he was put to bed in his Atlantic City home, where I visited him almost every day for about two weeks, and then at longer intervals.

During the early period of his confinement to bed, he could not eat or sleep, neither could he concentrate sufficiently to read or converse. His only request was, do not disturb me, I am so tired. His circulatory and body tone gradually recovered, and at the end of two weeks he was allowed to get up out of bed, for increasing periods each day.

I then talked to him about the national convention as he was exceedingly anxious about it, and talked constantly of the necessity for his being there. I remonstrated with him, that he should not make any effort to leave the city, or any attempt to take part in the activities or the excitement incident to this political campaign but that he should remain quietly home. He seemed to think that he would be able to stand the trip, and against my advice he left for Kansas City.

On his return he was much fatigued. His blood pressure was considerably higher than safe for him. Again, as a result of this, he had considerable shortness of breath, with the usual cardiac discomfort and digestive disturbances. I begged him to stop, and even to go back to bed, but he seemed to think that he had to attend to so many important things that rest was impossible at this time.

As a result of this unusual effort, excitement, and physical exertion he had a stroke, about 10 a. m. on August 1, 1928.

A neighboring doctor was called temporarily until I could reach his bedside, which I did about 4 a. m. At this time I found him almost completely unconscious, irregularity of the pupils, and a complete paralysis of the entire left side, including face, arm, and leg. His blood pressure at this time was very high. We fulfilled all indications for treatment at that time, and I saw him again the next day, August 2, 1928, about 4 p. m. From this time on I had associated with me Doctor Marshall, of Atlantic City, and Dr. John Shaw, who spent almost his entire time at the Vare home, so we would be in a position to have any sudden emergency receive prompt medical attention. My visits were daily, and often twice daily.

On the 2d of August there was no change except that we noticed the usual rise of temperature.

On the 3d of August the stupor deepened, and with this change the temperature promptly rose to $101\frac{1}{2}$.

On the 4th of August the temperature rose to $102\frac{1}{2}$; this being axillary, really was $103\frac{1}{2}$. In the meantime he could scarcely be aroused. By the evening of the 4th the stupor was profound, there was the characteristic snore, and no pupillary reflexes. The temperature by this time was nearly 103 axillary, and, according to all indications and our previous experiences with many of these cases, a fatal termination was fully expected and predicted.

On Sunday, the 5th, the temperature was $103\frac{1}{2}$ axillary, comatose, high blood pressure, and we all thought the end could not be far away. After a hurried consultation, we decided on some rather heroic procedure, with the result that the temperature rather quickly dropped, and he suddenly opened his

eyes and complained bitterly of a headache. From this time on the favorable turn took place, and a gradual recovery followed.

His mental condition and stupor gradually cleared up, and was then fully outside of the danger zone from a possibility of the increase of a hemorrhage causing the attack.

As you may know, in cerebral hemorrhages in this region, a great many of the brain fibers are torn and cells destroyed, and the repairs of this delicate structure are slow and protracted. In spite of this he has gradually made an uninterrupted recovery, so that at this time his mental faculties have been fully restored, and he is able to converse freely and accurately upon any subject with which he is familiar.

The destruction of the cells and fibers at the time of the hemorrhage is the cause of the paralysis, and naturally depends upon the size of the clot and the location. This governs the extent and amount of recovery from the paralytic disability.

The leg muscles are gaining a return of the power at a much more rapid rate than the upper extremities, which is usually the case, with the result that he is beginning to walk again, at present without much support; but he still lacks the confidence and feeling of security that can only be gained after considerable time, training, and exercise.

The arm muscles are showing signs of returning power, but they are always slower than the leg.

During this time and the immediate future it is very necessary that he be daily massaged and have special electrical treatment to the disabled muscles, coupled with rest and freedom from all annoyance, especially conditions likely to depress, as there is considerable melancholia at times because of the apparent slowness of recovery, and the inability of a man as active as the Senator was to be so long confined for physical disability while his mind is rather active.

We doctors are all of the opinion that it is absolutely necessary for the Senator to remain at his cottage at Atlantic City, where he will receive the benefit of fresh air and sunshine. These nature remedies are more easily had in a location like this than it would be possible at his home in Philadelphia. The necessary treatment of the disabled muscles and the freedom from all cares, annoyances, and worries are imperative.

We are further of the opinion that if he were obliged to make a trip to Washington for any reason, the exertion and fatigue incident to this would in all probability work great hardship upon a nervous system that has been badly damaged, and possibly might even jeopardize his life.

We all have read the recent letter of the Senator, which has been sent to you, and state that it is correct as to fact and conclusions.

We are further of the opinion that the Senator will recover to a great extent the power over the paralyzed muscles so that with perhaps some slight limitation he will be able to get about and attend to the political and business affairs quite as well in the future as he has done in the past.

With an apology for this rather lengthy survey, believe us,

Most respectfully,

ELLWOOD R. KIRBY, M. D.

JOHN J. SHAW, M. D.

J. C. MARSHALL.

The committee considered these letters and decided that, in spite of all of the delays heretofore recounted, it would accord the said William S. Vare an opportunity to present on his own behalf, or by counsel, any evidence or argument which he might desire, and, accordingly, on December 22, 1928, directed the chairman to notify the said William S. Vare that on January 4, 1929, the committee would convene for the purpose, as aforesaid.

On January 4, 1929, the committee met and the chairman made the following statement to Francis S. Brown, who again made appearance as counsel for the said William S. Vare:

The CHAIRMAN. I will state that this meeting is called, not for the purpose of summoning Mr. Vare here as a man to be investigated, which has been the nature of part of our proceedings, but for the purpose of affording Mr. Vare the opportunity of making any further showing he might desire to make with reference to any of the matters the committee has under consideration.

It was intimated or stated, I believe, by yourself at the last meeting of the committee when the parties were present, that you might have something further to offer. It is in order to afford you the opportunity of making such showing as Mr. Vare may desire that we have met.

It is not necessary to say, but I will say, that we have made a number of efforts to bring this proceeding to a close. It was continued at Mr. Vare's request on account of his health last May; I believe, May 19. At that time the committee requested that it be notified by Mr. Vare as soon as he could possibly attend. We, of course, received no such notification. The first notice that we received from Mr. Vare was in the letter which he wrote us on November 28, and which is already incorporated in the record.

Accordingly, the committee are here this morning to listen to any statements that you may have to make on behalf of Mr. Vare.

Francis S. Brown, counsel for the said William S. Vare, stated, in substance, that the physical condition of the said William S. Vare was such that his client had been unable to confer with "anybody upon the subject which this committee is now considering," and that the said William S. Vare desired to be heard by the committee. Counsel stated in his own behalf that he had not read the record nor undertaken a careful study of the case. This, in spite of the months intervening. He concluded by making application for an indefinite postponement on account of his client's health.

At this hearing Dr. Ellwood R. Kirby, the said William S. Vare's physician, also appeared and testified concerning Mr. Vare's health. The examination of Doctor Kirby developed the fact that, within a few days after the postponement secured on May 18, 1928, and from that time until the 1st day of August, 1928, the said William S. Vare was able to have consulted with attorneys, to have appeared before the committee and to have made such presentation of his case as was necessary. Had this course been followed, the case could have been closed and a report made to the Senate at the convening of Congress in December last.

It will be recalled that in May, 1928, a day or two after the adjournment of Congress, Mr. Vare left Philadelphia, came to Washington, en route to Kansas City, Mo., to attend the Republican National Convention, wherein he was a forceful and decisive figure.

The committee is of the opinion that the failure or refusal of the said William S. Vare to notify the committee during the period when he was fully able to appear, would have justified the committee in denying further postponement and in closing the case immediately.

Nevertheless, the committee considered the application made by counsel for a further postponement and set the case for further hearing on January 24, 1929. The said William S. Vare and his counsel were advised on January 14, 1929, as to the conclusions of the investigation made by the representative of the committee and the opportunity was afforded them to examine the work sheets and tabulations on which the conclusions were based.

At said hearing, on January 24, 1929, no application was made to the committee for any further continuance. A statement was made by counsel that the said William S. Vare was still unable to personally attend.

No witnesses were introduced by Mr. Vare except the affidavit of 37 persons, who swore that they had personally signed the registration records. The affidavit appears in full in the record of the hearings and is dealt with in the reply of counsel for the committee in Annex D as hereinafter stated.

Mr. Vare's counsel presented oral arguments and a written memorandum of counsel. The substance of the oral arguments is all embraced in the said memorandum, which is hereby appended to this report and referred to as Annex C.

It seems rather strange that the committee should have been asked to continue this case for months when counsel for Mr. Vare evidently did not contemplate the introduction of any substantial evidence and, in the end, relied almost entirely upon an argument which could as well have been made months ago as at the recent hearing.

The reply of counsel for the committee to said memorandum of Mr. Vare's counsel is also printed and referred to in this report as Annex D.

From the foregoing facts and conclusions, including those previously reported, it is the opinion of the committee that William S. Vare is not entitled to a seat in the United States Senate.

The committee, however, directs attention to the terms of Senate Resolution No. 2 of the Seventieth Congress, agreed to on December 9, 1927, and respectfully submits that, in view of the present physical and mental condition of the said William S. Vare, it is for the Senate to determine what action is proper in the premises.

All of the members of the committee concur in the foregoing report, but, in addition thereto, Senator King presents the following statement, giving his individual conclusions:

The record shows that in August, 1928, Mr. Vare suffered a paralytic stroke, since which time he has been unable to appear before the committee of the Senate. The record also shows that he is still in a serious physical condition as a result of such stroke. It also appears that he desires to come before the committee and testify and speak in his own behalf and perhaps offer additional testimony.

The record as it now stands would warrant action by the committee adverse to the right of Mr. Vare, after being sworn in, to retain his seat in the Senate; but in view of his serious physical condition and his desire to be heard by the committee and perhaps offer further testimony, I am unwilling to close the case and submit a final report to the Senate.

In my opinion a further reasonable time should be given Mr. Vare to present his case to the committee.

WILLIAM H. KING

All of the members of the committee, except Senator King, whose views have been given just above, regard the active duties of the committee as terminated, and a request for final discharge of the committee would be made at this time except for the fact that there is still pending before the United States Circuit Court of Appeals, Third Circuit, the habeas corpus proceedings of Thomas W. Cunningham, in which your committee and the Senate is represented by the Hon. George W. Wickersham, and which involves the right and power of the Senate to enforce its orders. In order to make a proper report to the Senate in this matter, and to take such further action with reference to the said Thomas W. Cunningham as may be deemed necessary, it is advisable that the committee continue to exist until the final disposition of the said case.

ANNEX A

On December 22, 1926, this committee reported to the Senate in pursuance of Senate Resolution 195, Sixty-ninth Congress, the facts it had ascertained concerning the senatorial primary election held in Pennsylvania in 1926. That report (S. Rept. 1197, pt. 2, 69th Cong., 2d sess.) is hereby incorporated by

reference and made a part of this report. For the convenience of the Senate, so much of the facts contained in the said report as relate to William S. Vare are here excerpted and condensed:

PENNSYLVANIA SENATORIAL PRIMARY ELECTION

CANDIDATES

(Republican)

George Wharton Pepper, United States Senator, incumbent; Gifford Pinchot, governor; William S. Vare, Member of Congress, first district of Pennsylvania.

(Democratic)

William B. Wilson, ex-Secretary of Labor.
Primary: May 18, 1926.

Vote received

William S. Vare.....	596, 928
George Wharton Pepper.....	515, 502
Gifford Pinchot.....	339, 127
William B. Wilson.....	153, 750

THE PENNSYLVANIA GUBERNATORIAL NOMINATION AND THE TICKET COMBINATIONS

The contest between Pepper and Vare was a factional contest for political control of the State, waged by Republican politicians in western Pennsylvania, dominated and led by the Mellon family and its interests, against the Republican machine of Philadelphia, which William S. Vare controlled and operated as an inheritance from the late Senator Penrose.

* * * * *

LAWS OF PENNSYLVANIA RELATING TO PRIMARY AND ELECTION CONTRIBUTION AND EXPENSES

The laws of Pennsylvania do not limit a candidate to the expenditure of any specific amount.

A few months before the primary Governor Pinchot convened the Legislature of Pennsylvania in special session to consider a general revision of the election laws of the State as embraced in 12 bills which he submitted. Harry Mackey, manager of the Vare campaign in Philadelphia, charged in his testimony before your committee that the special session of the legislature had been called to promote the candidacy of Governor Pinchot for the Senate. According to the statement of Governor Pinchot, the extra session had been authorized by him "primarily for the purpose of securing such revision of the election laws as would make fraud less easy than it is now."

"Governor PINCHOT. * * * Eleven of them were beaten. One was emasculated and then passed. * * *

"Senator LA FOLLETTE. Do you care to state what was the nature of the opposition to the passage of these bills?

"Governor PINCHOT. It came largely from the two cities of Philadelphia and Pittsburgh, and from machine senators. The bills were killed in the Senate from various other parts of the State.

* * * * *

"Senator KING. Did any political organization, as such, register its opposition to those measures?

"Governor PINCHOT. The city committee of Philadelphia sent its attorney to Harrisburg to fight the two bills at a hearing.

"Senator KING. You mean the Republican city committee?

"Governor PINCHOT. The Republican city committee.

"Senator KING. Did that committee support Mr. Vare or you?

"Governor PINCHOT. Yes; supported Mr. Vare, naturally.

"Senator KING. Then the legislature was not responsive to your recommendations respecting these measures?

"Governor PINCHOT. It was not."

Previously, at the regular session of the legislature in 1922, Col. Charles C. McGovern, who later became Governor Pinchot's senatorial primary campaign manager in Pittsburgh, had sponsored a series of election reform bills which he stated as a sworn witness "were defeated largely under the leadership of Senator Vare."

The important changes which these measures sought to effect were:

- (a) To place a stated limit on campaign expenditures;
- (b) To abolish the system of paid partisan watchers at the polls; and
- (c) To provide for an official pamphlet devoted to political publicity and published by the State.

The laws of Pennsylvania relating to campaign expenditures were all considered in evidence by your committee.

The act of March 5, 1906, in so far as it directly bears upon this investigation, is as follows:

"NOMINATION AND ELECTION EXPENSES

"[Act of March 5, 1906]

"SECTION 1. The term "election expenses," as used in this act shall include all expenditures of money or other valuable things in furtherance of the nomination of any person or persons as candidates for public office, or in furtherance of the election of any person or persons to public office, or to defeat the nomination or election to public office of any person or persons.

* * * * *

"SEC. 4. No candidate, and no treasurer of any political committee, shall pay give, or lend, or agree to pay, give, or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

"First. For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger services.

"Second. For dissemination of information to the public.

"Third. For political meetings, demonstrations, and conventions, and for the pay and transportation of speakers.

"Fourth. For the rent, maintenance, and furnishing of offices.

"Fifth. For the payment of clerks, typewriters, stenographers, janitors, and messengers, actually employed.

"Sixth. For the employment of watchers at primary meetings and election, to the number allowed by law.

"Seventh. For transportation of voters to and from the polls.

"Eighth. For legal expenses, bona fide incurred, in connection with any nomination or election.

"SEC. 5. Every candidate for nomination at any primary election, caucus, or convention, whether nominated thereat or not, shall, within fifteen days after the same was held, if the amount received or expended shall exceed the sum of \$50, and every candidate for election at which such candidate was voted for, or with which such political committee was concerned, if the amount received or expended shall exceed the sum of \$50, file with the officers hereinafter specified a full, true, and detailed account, subscribed, and sworn or affirmed to by him, before an officer authorized to administer oaths, setting forth each and every sum of money, contributed, received, or disbursed by him for election expenses, the date of each contribution, receipt, and disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and obligations of any such candidate or committee for election expenses, with the nature and amount of each, and to whom owing. In the case of candidates for election who have previously filed accounts as candidates for nomination the accounts shall only include contributions, receipts, and disbursements subsequent to the date of such prior accounts. If the aggregate receipts or disbursements of a candidate or political committee, in connection with any nomination or election, shall not exceed \$50, the treasurer of the committee or candidate shall, within thirty days after the election, certify that fact, under oath, to the officer with whom the statement is filed, as hereinafter provided.

"SEC. 6. Every such account shall be accompanied by vouchers for all sums expended exceeding \$10 in amount. It shall be unlawful for any candidate, or

treasurer of a political committee, or person acting as such treasurer, to disburse any money received from any anonymous source.

* * * * *
 "SEC. 7. It shall be unlawful to administer the oath of office to any person elected to any public office, until he has filed an account as required by this act, and no such person shall enter upon the duties of his office until he has filed such account, nor shall he receive any salary for any period prior to the filing of the same."
 * * * * *

Vare-Beidleman expenditures

(Expenses exclusively in behalf of Beidleman's candidacy omitted)

Personal expenditures by William S. Vare.....	\$71, 436
Reported by Vare-Beidleman organization.....	483, 838
Expenditures of Beidleman committee.....	105, 464
Expenditures of county committees (only 18 reporting).....	12, 359
R. B. Strassburger, modification committee.....	16, 806
Total unpaid bills reported.....	96, 031
 Total.....	 785, 934

Representative Vare testified that his personal expenditure of \$71,436, which amounts to 8 per cent of the total expended in the interest of his candidacy, was entirely spent for campaign letters. At his estimate of 6½ cents as the average cost of each letter, this amount of money would have paid for over 1,000,000 letters.

The largest reported items of expenditures in each of the senatorial primary candidates' behalf was for alleged "publicity," letter writing, newspapers and billboard advertising, public speakers, and the like.

The next largest item was for watchers. This item will be covered in a separate section of this report.

The committee is reluctant to characterize the testimony of witnesses. It feels, however, compelled to say that a number of the witnesses who admitted they had turned over to the Vare campaign committee various large sums of money failed to satisfactorily account for the possession of these moneys or the sources from which the moneys were derived. In other instances, witnesses claimed to have carried large sums of money in their pockets or to have had large sums of money in safe-deposit boxes and did not give to the committee convincing statements as to the sources from which these moneys were received or why they were thus carried or kept. In other instances, the alleged contributions were out of all proportion to the income or financial worth of these alleged contributors. The testimony must be read to be fully appreciated. Only a few brief excerpts are herein set forth.

The largest individual contributor to the Vare campaign appears from the testimony to be Albert M. Greenfield, alleged wealthy real-estate dealer of Philadelphia.

Mr. Greenfield was subpoenaed by your committee and when asked to state his connection with the campaign in any way, replied that he "solicited some contributions for the campaign and turned them over to the treasurer * * * I have no other connection with it."

The testimony elicited from other witnesses indicated that very large contributions had been obtained from Greenfield. He was thereupon recalled to the stand and then admitted that he contributed \$125,000.

Mr. Greenfield further stated that of this sum, he obtained \$100,000 from banks of which he was an officer and that Representative Vare signed these notes jointly with him because of that fact. Mr. Greenfield paid the notes himself.

Another cash contributor to the Vare campaign was Thomas S. Watson, sr., a coal dealer of Philadelphia. He claims to have contributed \$25,000. He, however, testified that the average daily gross receipts from his coal business amounted only to from \$200 to \$300 a day.

Edward M. Kenna, road commissioner for Allegheny County and treasurer of the Vare campaign committee in Pittsburgh and western Pennsylvania, claims to have contributed \$23,700. He likewise stated that this was the largest

campaign contribution he had ever made. His compensation as road commissioner is only \$6,500 per annum.

* * * * *

Thomas Cunningham, clerk of the court of quarter sessions of Philadelphia, and treasurer of the State Republican committee, pretends to have contributed \$50,000 to the Vare campaign fund. * * *

Total cost of Pennsylvania Republican senatorial primaries

Pinchot.....	\$187, 029
Pepper-Fisher.....	1, 804, 979
Vare-Beidleman.....	785, 934
Total.....	2, 777, 942

WATCHERS

The Pennsylvania laws with reference to watchers are as follows:

"SEC. 511. SEC. 21. Each candidate shall be entitled to appoint two watchers at the primary in each election district, division, or precinct in which such candidate is to be voted for, who shall be qualified electors of the district, division, or precinct. Each watcher shall be provided with a certificate from the county commissioners, stating his name, the district in which he is authorized to act, and the name of the candidate appointing him, and shall have the right to remain in the room outside of the inclosed space. Watchers shall be required to show their certificates when requested to do so."

"SEC. 561. SEC. 23. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, except when giving the help allowed by section twenty-six of this act, nor to remain within said compartment more than three minutes, in case all of such compartments are in use and other voters are waiting to occupy the same. No voter not an election officer shall be allowed to reenter the inclosed space after he has once left it, except to give help as herein-after described. Each voter's name shall be checked on the voting check list, by the officer having charge thereof, as soon as he has cast his vote in the manner provided by law. It shall be the duty of the judge of election to secure the observance of the provisions of this section, to keep order in the room in which the voting is held, and to see that no more persons are admitted within the inclosed space than are allowed by this act. Each party which has, by its primary meeting, caucus, convention, or board, sent to the proper office a certificate of nomination, and each group of citizens which has sent to the proper office a nomination paper, as provided in sections two and three of this act, shall be allowed to appoint three qualified electors, who must be three electors residents of the division in which they are authorized to act as watchers, in each voting place, without expense to the county; one of whom shall be allowed to remain in the room outside of the inclosed space. Each watcher shall be provided with a certificate from the county commissioners, stating his name, the names of the persons who have appointed him, and the party or policy he represents; and no party or policy shall be represented by more than one watcher in the same voting room at any one time. Watchers shall be required to show their certificates when required to do so. Until the polls are closed no person shall be allowed in the room outside of the said inclosed space, except the watchers, voters, not exceeding ten at any one time, who are waiting their turn to prepare their ballots, and peace officers when necessary for the preservation of the peace. No person when within the voting room shall electioneer or solicit votes for any party or candidate, nor shall any written or printed matter be posted up within the said room, except as required by law. When the hour for closing the polls shall arrive, all persons within the inclosed space, who have received ballots but have not yet deposited them, shall be required to mark and deposit their ballots forthwith, but no other person shall be allowed to vote. (As amended 1903, P. L. 213, sec. 1.)"

These laws are so construed as to allow practically any number of watchers in each division or precinct. Payment of watchers is a legitimate and recognized item of expense under the Pennsylvania laws and the watchers are paid by the candidate or political campaign organization by which they are employed. It is impossible to state with any accuracy whatever the amount of money expended

by the senatorial primary candidates in this way. It is likewise impossible to state the number of watchers employed. Witnesses representing each group of candidates were interrogated, but none agree.

It is significant, however, that \$90,000 (the amount loaned by Joseph R. Grundy to the Pepper-Fisher campaign committee, which transaction has been dealt with above) was exclusively used to pay off watchers at the polls. Watchers are paid from \$5 to \$10 a head.

The testimony of Edward R. Martin, who paid off the watchers in Allegheny County (Pittsburgh) is illuminating:

* * * * *

"Mr. MARTIN. There was money disbursed in the payment of watchers on different days. I was paying off watchers on different days. It took me from four to six days to pay them off and I would ask for these amounts of money, enough to run me for the day. Some days I had to ask twice.

"The CHAIRMAN. There is a total down there of \$28,285.

"Mr. MARTIN. Yes.

"The CHAIRMAN. Did you make that total?

"Mr. MARTIN. Yes.

"The CHAIRMAN. Does that represent the amount of money that was paid for watchers?

"Mr. MARTIN. Paid for watchers; included in that amount would probably be maybe \$700 or \$800 that was paid for overseers. I did not separate the amounts for overseers and for watchers."

Mr. Martin was secretary of the Allegheny Vare-Beidleman Republican committee and is a Democrat.

The Pepper-Fisher ticket, according to the best evidence, expended for watchers and managers over \$85,000 and employed more than 17,000 of them in Allegheny County alone.

In Philadelphia about \$100,000 was paid to Vare-Beidleman watchers.

ANNEX B

In accordance with the direction of the committee an investigation has been conducted to discover (1) whether or not fraud occurred in connection with the senatorial election held on November 2, 1926, in the State of Pennsylvania; (2) if so, whether such fraud was the result of any organized scheme or consisted merely of unconnected and sporadic violations of law; and (3) if election frauds occurred, and were the result of any organized scheme, whether responsibility therefor could be ascertained and fixed.

The task of examining the election records has involved the performance of hundreds of thousands of processes involving the minutest details. This work has been done by a staff assembled for the purpose and composed of persons well qualified for the work required of them; and every step, particularly where individual judgment was a controlling factor, has been subjected to checking and sometimes to rechecking.

In the course of the work the public records required for the use of the committee have been surrounded with every possible safeguard against tampering or loss. A representative of the Committee on Privileges and Elections has been present constantly in each workroom where public records were being handled, and representatives of Mr. Vare and Mr. Wilson also have been present and have had the opportunity to observe every process, as well as to examine for themselves the public records in use.

This report covers the city and county of Philadelphia and the city of Pittsburgh.

Due to length of report, only an excerpt is presented here. -- Senate Historical Office